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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,358	02/07/2002	Hajime Yamamoto	03500.016161	7437

5514 7590 05/21/2004  
FITZPATRICK CELLA HARPER & SCINTO  
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NEW YORK, NY 10112

EXAMINER

NGUYEN, JUDY

ART UNIT PAPER NUMBER

2861

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/067,358	Applicant(s) YAMAMOTO ET AL.	
	Examiner Judy Nguyen	Art Unit 2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 45-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 45-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/09/04</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

Claims 46, 47, 57 and 61 are objected to because of the following informalities: "said bottom surface of said ink container" [claim 46] "said side surface" [claim 47] and "said bottom surface of said ink container" [claims 57, 61] lack proper antecedent basis. In addition, it appears that "said bottom surface of said ink container" [claims 57 and 61] should be —said bottom surface of said container **main body**—. Since the ink container is the claimed subject matter that includes all features of the claims including the ink deriving connection element, a bottom surface of said ink deriving connection element cannot be disposed at a position lower than said bottom surface of said ink container. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 45, 47, 50, 52-54, 56-58, 60, 61 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyazaki et al (EP 1 013 445 A2).

Miyazaki et al discloses all features of the claimed ink container as follows:

- A container main body [8] for containing ink;
- A connecting portion [12+13] to which the ink deriving tube [41] and the air introducing tube [42] are connected;
- Said connecting portion [12+13] being provided at a bottom surface of said container main body [8];
- A portion [the portion where 12+13 is located] of said ink container deviated to either one of side walls with respect to a center portion of said bottom surface of said container main body [clearly illustrated in Figs. 7A-7D];
- An identification information structure [see 10a, 10b, 10c, 10d of Figs. 6A-6C] at a part of said side surface of a shorter side of said ink container;
- Said ink container has an external shape of a flat thin type of rectangular solid [see Figures 6, 7];
- Said connecting portion [12+13] comprising multiple connection elements including an ink deriving connection element [13] and an air introducing connection element [12], wherein each connection element [12, 13] is independently provided at a portion deviated from a center portion of said container main body bottom surface to either one of the side surfaces of the shorter side [clearly illustrated in Fig. 7C], and wherein said ink deriving

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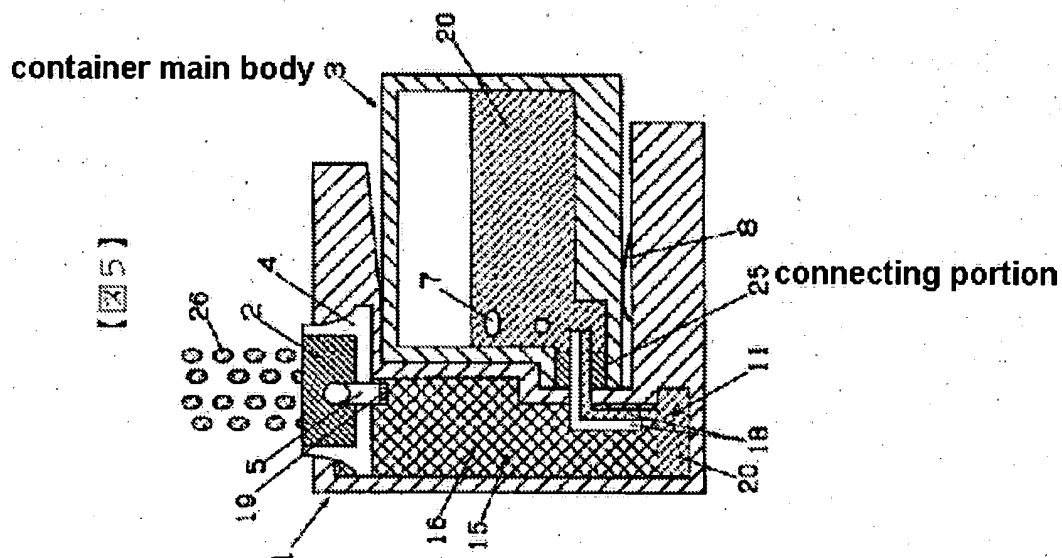
connection element [13] is placed at a position closer to a side surface of the short side and said air introducing connection element [12] is placed at a position closer to a center than said ink deriving connection element [13];

- Said air introducing connection element [12] is provided with a tubular member near the bottom surface, the tubular member being oriented inward of said container main body and projecting slightly [see Fig. 7A];
- A bottom surface [see Fig. 6C] of said ink deriving connection element [13] is disposed at a position lower than said bottom surface of said ink container main body [8];
- An elastic member [paragraph [0045] disclosed rubber plugs which is read as elastic member] is disposed at said ink deriving connection element [13] and said air introducing connection element [12];
- With respect to the manner in which the claimed ink container is intended to be employed/positioned, such manner of positioning does not differentiate the ink container from the prior art since the prior art teaches all the structural limitations of the claimed ink container as set forth above. Ex parte Masham, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987); see also MPEP 2114].

Claims 45, 46, 50 are rejected under 35 U.S.C. 102(b) as being anticipated by Kataoka et al (JP 05-096744).

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- Kataoka et al discloses the claimed container having a container main body [3] and a connecting portion [25] deviated to either one side walls with respect to a center portion, wherein at least an inner space of said ink container is pointed toward said bottom surface of said ink container is clearly illustrated below. With respect to the manner in which the claimed ink container is intended to be employed/positioned, such manner of positioning does not differentiate the ink container from the prior art since the prior art teaches all the structural limitations of the claimed ink container as set forth above. Ex parte Masham, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987); see also MPEP 2114].



**Claim Rejections - 35 USC § 103**

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Miyazaki et al or Kataoka et al in view of Gasvoda et al (US 6,585,359).

Miyazaki et al and Kataoka et al each discloses all basic features of the claimed invention except for the followings:

- An information memory element capable of holding identification information of said ink container at a position of said bottom surface of said ink container different from a position to which the ink deriving tube and the air introducing tube are connected and composed of an electric system;
- Said information memory element is an element capable of alteration, deletion or additional writing.

However, Gasvoda et al discloses the followings:

- An information memory element [1206; Figure 9] capable of holding identification information of said ink container at a position of said bottom surface of said ink container different from a position to which the ink deriving tube and the air introducing tube are connected and composed of an electric system;

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- Said information memory element [1206] is an element capable of alteration, deletion or additional writing [column 8, lines 52-54].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the memory element as taught by Gasvoda et al in the teaching of either Miyazaki et al or Kataoka et al for the purpose of ascertaining the information regarding the ink container.

Claims 51 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazaki et al in view of Rotering (US 6,644,778).

Miyazaki et al discloses all basic features of the claimed invention except for the following:

- Said ink is pigment ink.

However, Rotering discloses the following:

- An ink container [60 which deliver ink to head 50] having pigment ink [column 7, line 22].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use pigment ink as taught by Rotering in the teaching of Miyazaki et al for the purpose of improving the clarity and contrast of the printed image.



Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazaki et al in view of Hildenbrand et al. (US 3,708,798).

Miyazaki et al discloses all basic features of the claimed invention except for the following:

- A filter being disposed at said ink deriving connection element.

However, Hildenbrand et al. discloses the following:

- A filter [column 5, lines 9-12] being disposed at an ink-deriving connection element [31].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a filter as taught by Hildenbrand et al. in the teaching of Miyazaki et al for the purpose of providing filtration before ink/liquid enters the ink deriving tube.

### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new grounds of rejection.

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Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

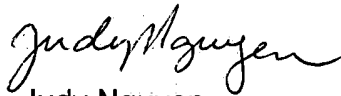
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Judy Nguyen whose telephone number is (571) 272-2258. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Judy Nguyen  
Primary Examiner  
May 14, 2004